
CHAPTER 43
ELECTRONIC ABSTRACT OF
JUDGMENT
I.C. 35-38-1-31 and
Criminal Procedure Rule 15.2

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Under the direction of the Indiana Supreme Court's Record Management Committee and in response to [IC 35-38-1-31](#) and [Criminal Rule 15.2](#), the Court Technology section of the Division of State Court Administration developed the electronic Abstract of Judgment Application, which is housed in the Offender Management System in INCite. This application makes statewide felony conviction and sentencing data readily available to the courts, legislators and other policy makers. Additionally, all trial courts in the state now have a standardized, electronic method for transmitting sentencing information for all offenders committed to the Department of Correction.

The Abstract of Judgment application was built to pull information from the PSI (presentence investigation) Report and utilize the same offender record and case details initially entered by the probation officer. Since the PSI Report and the associated risk assessment provide the sentencing judge with information about an offender's potential risks and needs, this allows the trial court to provide an appropriate sentence, supervision plan and treatment services. The integration of the PSI Report and Abstract of Judgment applications also allows users to avoid duplicate data entry and helps ensure the accuracy of the information.

Two user-friendly tools were incorporated into the Abstract of Judgment application: the Court Calendar and the Abstract Queue. The Court Calendar, found under the Utilities menu, is a monthly or daily view of all cases scheduled for sentencing in a particular court. This feature allows court staff quick access to a case in the Offender Management System when a sentencing date was entered in the PSI Report for the case. Information in this view appears as a result of data entered in the PSI Report regarding the scheduled sentencing hearing date.

The Abstract Queue is a tool county jail users and DOC staff can use to monitor and manage completed Abstracts of Judgment for DOC commitments. Users can adjust the status of the Abstract and indicate when the offender was processed by DOC, or even flag an offender held at the county jail for a particular reason.

More recently, the Court Technology team deployed a Credit Time Calculator to the Supreme Court's public access site (<https://publicaccess.courts.in.gov>). This tool assists the courts in determining the amount of credit time a defendant can earn based on new credit time calculations set forth in IC 35-50-6-3.1.

Important Points to Remember:

- An Abstract of Judgment can be prepared in INCite even without PSI Report or a PSI Facesheet.

- A court may sentence a person convicted of a Level 6 felony without considering a PSI Report per IC 35-38-1-8(c). However, if this offender is later committed to DOC or a community corrections program, a PSI Facesheet is required.
- **Completion deadlines** - The Division of State Court Administration makes the following recommendations for completing an Abstract of Judgment:
 - 5 business days for DOC commitments or before the offender is transported to DOC.
 - 30 business days for non-DOC commitments.
 - When a defendant is sentenced to DOC, the DOC commitment time begins the date of sentencing unless otherwise specified by the court. The DOC must reimburse the county for those defendants still housed in the county jail beyond 5 days after sentencing unless the county is not ready to release a defendant.
- **The TCN Number** - The Transaction Control Number (TCN), also called the fingerprint or arrest number, is required on the Prosecutor's appearance form by Criminal Rule 2.1. This number is associated with the offender's Live Scan fingerprint images obtained during the arrest for the present offense. The Indiana State Police use this number to link the charging details to the conviction and sentencing outcomes for the Criminal History Repository.
- **Disposition and Sentencing**
 - If a charging enhancement exists and the defendant is not sentenced on the underlying charge, the appropriate disposition type on the underlying charge is "Conviction Merged".
 - Sentencing enhancements are selected when completing the Sentencing screen of the Abstract. The total sentence (including the enhancement time) is entered for the associated count. Under the enhancement section, the amount of the enhancement that was included in the total sentence is reflected.
- **Revocations** - When entering a sentence that is a result of a revocation of community supervision, only include the portion of the sentence that is affected or being imposed. Part IV of the Abstract of Judgment asks whether the sentence is a result of a revocation of community supervision. If the answer is "Yes", an explanation as to the details of the violation is required. Please be as specific as possible. If the violation was due to another offense, please include the case number for the other case.
- **Dates of Confinement** - The Abstract of Judgment asks for pre-sentence incarceration time only.
 - Multiple date ranges can be accepted.
 - Per [IC 35-38-3-2\(d\)](#), "...a term of imprisonment begins on the date sentence is imposed, unless execution of the sentence is stayed according to law".
 - If a PSI was completed in INCite, the date range used in that report will import automatically to the Abstract of Judgment. The date range can be edited in the Abstract of Judgment if not correct or up-to-date.
 - If the date range is unknown, the application will also accept a number of days confined prior to sentencing.
 - The number of earned credit days is also required when reporting dates of confinement.

- **Credit Restricted Felon** - A detailed explanation of a credit restricted felon is set forth in [IC 35-31.5-2-72](#).
- **Purposeful Incarceration** - An explanation of Purposeful Incarceration is set forth on the Department of Correction's website at: www.in.gov/idoc/2798.htm.
- **Clerk Certifications of Abstracts of Judgment** - The clerk certification on the prior Abstract of Judgment was a requirement of the DOC. The DOC determined that it does not need the clerk's certification (or any other certification or signature) with the new INCite application called the Offender Management System, and it was DOC's decision to remove the section of the Abstract of Judgment that requires the Affidavit of the Clerk.
- **Judge's Signature** - The Abstract does not require the Judge's signature on the electronic record in Incite, although a signature line is available on the printed document if the court wants to print out a hard copy and sign it for the court's record. Additional signature lines are available for magistrates, commissioners, etc.
- **Physical copies of the Abstract** - For the time being, the DOC requests that courts still send paper copies of the Abstract of Judgment, Sentencing Order, and PSI to DOC until the automated process is determined to work smoothly. DOC will inform us when the paper copies are no longer necessary. County Jails also have access to the application and can verify whether all documents required for a DOC commitment are ready and available in the Offender Management System.
- **Who is in charge of completing the Abstract?** - The judge will provide Court Technology with the names of persons that will be authorized to complete the Abstract. Multiple people could enter multiple pieces of the information needed for the Abstract. Anyone who is authorized (by the judge through the authorization of a password) can complete part or the entire Abstract. All court/clerk users of the Abstract of Judgment Application have the ability to add and/or edit the information and mark the document "complete." Once the "complete" button is pushed, the Abstract is completed and is immediately available to DOC. We suggest, as a best practice, that the judge or someone who is designated by her/him review the Abstract before pushing "complete." We also recommend that courts adopt written office policies or local rules setting out who must review the Abstract and push "complete." If the Judge wishes to be the one to review and mark the Abstract "complete", the policy should state this clearly, so that the other court/clerk users simply enter the information and leave the record for the Judge to finalize.

Using the Abstract of Judgment application

Access INCite at <https://mycourts.in.gov>

Enter your Username and Password and then click Login

The Abstract of Judgment page is divided into an Overview section and five parts which to complete in order for certain features of the application to work properly. The user is not required to complete all sections in one session. As each section is completed, the work is saved.

The Overview section

This section displays the Case Name, Case Number, Date of Sentencing, Court, Presiding Judge, Prosecutor and Defense Attorney. The user may change any of this information by clicking on the Edit button. The user may also enter the TCN number, Other Judge Type and Other Judge information in this section.

Part I: Charges

The Charges section of the Abstract of Judgment will display the Charged Offense(s), Amended Offense(s), and Disposition(s).

- To amend any of the original charged offenses, click on the Amend Charge button to the right of each charge. This will take the user to another screen where the offense changes are made. Click OK to return to the Abstract of Judgment after the changes are made. Repeat these steps for all counts that require amended charges. The user will now see the offense as charged and as amended.
- Each charge requires a disposition, even if the offender was found not guilty or if the count was dismissed.
- The Disposition for each count is entered by clicking on Edit Dispositions. Clicking on this button will take the user to a screen where the disposition for each charge is selected from a drop down list. Once a Disposition is entered for each count, click OK to return to the Abstract of Judgment.

Part II: Sentencing

Complete the Sentencing section of the Abstract of Judgment for all counts for which the offender was convicted. To enter the Sentencing information, click on Edit Sentences. A series of questions will appear. Each must be answered by the user.

- Question 1 - "Is this a DOC Commitment?"
 - If the answer is No, this Abstract will not be sent to the DOC Queue and the user should proceed with filling out the sentencing matrix for each of the convicted charges.
 - If the question is answered Yes, the information in the Abstract of Judgment, along with the PSI Report for the case, will be available to all DOC users within the Offender INcite Management System and notification of the DOC Commitment will go to the DOC Queue.
 - Another question appears asking "Is there a Death Penalty or Life Without Parole sentence on this case?". If the answer to this question is Yes, Death Penalty or Yes, Life Without Parole, the sentencing matrix disappears and this page is complete.
- Question 2 - "Is there a Sentencing Enhancement on this case?"
 - If the answer is yes, the user must select the appropriate type of enhancement and a new row will be entered into the sentencing matrix. When including a Sentencing Enhancement, it is important to note that the total sentence, including the time for the enhancement, should be included on the appropriate count. Then on the new row added for the enhancement, the user should enter the number of years that were additional due to the enhancement. For example, if an offender was sentenced to 2 years executed for Count I, and a 1 year enhancement for being

a habitual offender, the total sentence for Count I should be 3 years, and the executed commitment for Count I should be 3 years, and the total sentence for the enhancement would be 1 year and the executed commitment for the enhancement would also be 1 year.

- If the answer is No, the user proceeds with filling out the sentencing matrix for each of the convicted charges.
- For each count the offender was convicted of, the user must enter either; the year, month, or day amounts of the Sentenced time, Executed Commitment time, Executed Comm. Corrections time, Suspended time and Probation time.
 - In the database, all amounts will be converted to days (1 year equals 365 days and 1 month equals 30 days).
 - The application will then validate the Sentencing information so that the Executed Commitment time plus Executed Comm. Corrections time plus Suspended time will equal Sentenced time.
 - If the overall sentence for a count does not comply with this formula, an error message will appear and the record cannot be saved until the mathematical error has been corrected.
 - If any Suspended time has been entered, the user should also indicate any amount of Probation time to be served.
 - Under each count, the user has the ability to select Consecutive or Concurrent and type in the corresponding count(s) or case number(s) that are running consecutively or concurrently with each count.
- Once the entire sentencing matrix is completed, click OK at the bottom right of the screen to return to the Abstract of Judgment.
- If the sentence information is being entered for a revocation of community supervision, the user enters the sentencing information only in regards to the time being revoked.
- Once the Sentencing information is completed, the user may also decide the order in which each of the counts appear on the Abstract of Judgment document. This feature is used by the Court/Clerk user and dictates to the Department of Correction the order in which the sentence(s) shall be served.
 - To modify the order of the sentences, click on Order Sentences. The user can change the order of the sentences by clicking on a particular count, holding the left button on the mouse, and dragging the sentence up or down in the list of sentences. Once the user has moved the count to the desired location, release the left mouse button and the sentence will drop into place. Continue to drag and drop the sentences until all appear in the correct order. Note that the count number remains the same; this procedure simply changes the order in which the sentences appear on the Abstract of Judgment. Once all adjustments are made, click OK to return to the Abstract of Judgment.

Part III: Dates of Confinement

The Dates of Confinement section summarizes all periods of time for which the offender has received credit toward the present case prior to sentencing.

- Multiple entries can be made, if the offender is in and out of jail or supervised in multiple programs prior to sentencing.

- If a PSI Report was completed on this case, the dates of confinement are automatically inserted into the Abstract of Judgment. Upon importing this information, the user will notice that the number of days calculated equals zero. The user must click the Edit button and verify the dates from the PSI. If any of these dates need removal from the record, the user can click the Delete button. Additional Dates of Confinement can still be entered manually.

To enter a confinement period, click on the Add button. Select the appropriate Type of confinement time from the drop down list and enter the corresponding Start Date and End Date. Dates of Confinement are only entered if they were served in connection with this case. If the Dates of Confinement are not known, the user has the flexibility to enter a number of Actual Days Served for the case and can leave the Start Date and End Date blank. The user is also required to enter the number of Credit Days Earned toward the case.

Please note that this is not intended to be the full calculated credit time for the case, but only the number of credit days earned. If the date of offense for this case occurred prior to July 1, 2014, the default calculation is one credit day for every actual day the offender served. For example, if the offender served 10 actual days in the county jail prior to sentencing, the Actual Number of Days Served would be 10 and the Number of Credit Days Earned would be 10 as well. If the date of offense for the case occurred on or after July 1, 2014, the following credit time classifications should be applied:

Class	Assigned	Serve: Earn
Class A	Misdemeanants and Level 6	1:1
Class B	Levels 1-5 and Murder	3:1
Class C	Credit Restricted Felons	6:1
Class D	Disciplinary Sanction	1:0

For example, if the offender served 6 actual days in the county jail prior to sentencing on a Level 5 felony, the Actual Number of Days Served would be 6 and the Number of Credit Days Earned would be 2 (based on the serve 3, earn 1 formula).

- Completion of the Dates of Confinement section is required prior to submitting the Abstract of Judgment for completion. If no time has been served and/or no credit time has been earned, the user enters zeroes in the corresponding fields.
- When finished entering the confinement periods, select OK to return to the Abstract of Judgment tab. If the user wishes to enter additional Dates of Confinement, click on the Add button again and repeat these steps.
- NOTE: If this case is a DOC Commitment, the End Date cannot include the date of sentencing, due to statutory requirements. The day of sentencing is regarded as the first day the Department of Correction becomes responsible for the offender.

Part IV: Additional Information

The Additional Information section contains data elements that are statutory requirements and provide valuable details to the Department of Correction for the offender. In order to answer these questions, click the Edit button at the bottom right of that section. The user must answer the question of “Is this sentence a result of revocation of community supervision?”

- If the answer to this question is No, an explanation is not required.
- If the answer to this question is Revocation of Community Corrections, Revocation of Probation, Revocation of Other Community Supervision, or Revocation of Parole, the user is required to explain the reason for the violation in the text box to the right of the question.
- The Date to Report for Incarceration will default to the Sentencing Hearing Date, but may be changed by the user if that date is not correct.
- If the offender is a Credit Restricted Felon as outlined in IC 35-31.5-2-72, select Yes from the drop down menu under the item; otherwise select No.
- If this case qualifies for Purposeful Incarceration as defined by DOC (<http://www.in.gov/idoc/2798.htm>), select Yes from the drop down menu under the item; otherwise select No.
- If there are any Mental Health Concerns to note for DOC, select Yes.
- Once all questions are addressed, click OK to return to the Abstract of Judgment tab.

Part V: Judge’s Recommendations

The final section for the Abstract of Judgment is the Judge’s Recommendations. To begin with this section, click on the Edit button at the bottom right of the section.

- If the Sentencing section of Part II of the Abstract of Judgment indicated the offender had a term of probation to serve, the question for Return to Court for Probation will default to Yes and the user will not have the ability to change that answer. If probation time was not indicated in Part II, the user will still have the opportunity to answer Yes for Return to Court for Probation in the event that the offender has a probation term to serve on another case. Once answered Yes, the user must then select the Probation Office to which the offender will report upon release from DOC. If the offender is not required to return to court for probation, the user should select No.
- The Recommended Degree of Security item is defaulted to No Recommendation. For cases that are not a DOC Commitment, the user must indicate the Recommended Degree of Security as Not Applicable. The other possible choices for degree of security include Maximum, Medium, or Minimum.
- If the offender is already serving a DOC sentence and will be returning to DOC custody for that prior case, as well as the current case, select Yes for the corresponding question.
- Use the text box to enter any Additional Comments and Recommendations. Once all items are answered, click OK to return to the Abstract of Judgment tab.
- Once all sections of the Abstract of Judgment are completed, select Complete at the top right of the screen to finalize the document. If the case was marked as a DOC Commitment, then as soon as the complete button is clicked, notification will appear in

the Abstract Queue indicating that the Abstract of Judgment and any other associated case documents are available to be retrieved.

- NOTE: Once the Complete button has been clicked, the Abstract of Judgment record is locked and no further changes can be made. If any errors are found and corrections are necessary to the Abstract of Judgment, the Court/Clerk user must then amend the abstract.

Printing the Abstract of Judgment

A user can print a draft of the Abstract of Judgment by clicking the Print button at the top right of the screen. If the Abstract is printed before the user has clicked the Complete button, the document will have a DRAFT watermark on it. Once the user has clicked Complete, the DRAFT watermark will be removed and a final version of the Abstract of Judgment official for court filings will be printed.

Documents Tab

The Documents tab allows the user to attach the Sentencing Order and Judgment of Conviction to the selected case record for the offender as required by [IC 35-38-1-14](#). The Sentencing order and the Judgment of Conviction are always submitted whenever a convicted person is sentenced to a term of imprisonment.

Although the documents tab will allow any type of file to be uploaded, it is Court Technology's recommendation to only upload PDF (Portable Document Format) documents.

The Documents tab will also display the Official Version, Defendant's Version and Victim Impact Statement documents if uploaded by the Probation Officer when preparing the PSI Report. Only authorized users of the Presentence Investigation Application and DOC users of the Offender Management System have the ability view these particular documents.

To add a new Document, click on the Add button in the lower right corner of the screen. From the Type drop down menu, select the Type of document to attach. Click on the Choose File button to search for the file location where the saved PDF document is stored. Once the file is located, select Open in the bottom right corner of the window. Back on the Documents tab; click OK to upload the file to the case record.

More Training Materials - Training videos are available from the Help menu in the Offender Management System and are located at the following links:

- Completing an Abstract of Judgment without a PSI: <http://youtu.be/1VVIyxij340>
- Completing an Abstract of Judgment when a PSI has been completed in INcite: <http://youtu.be/XLlte8iEjhQ>
- Completing an Abstract of Judgment for a revocation: <http://youtu.be/K42MncsHEZM>
- The User Manual for the Offender Management System and Abstract of Judgment in INcite can be downloaded from the Help menu as well.
- The Court Technology Helpdesk is also available at 1-888-275-5822

Last modified 12/30/14